

## **EXHIBIT 3**



# City of Revere

Brian Arrigo  
Mayor

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Health Agent  
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July 5, 2022

**POSTED AT PROPERTY BY CONSTABLE**

Water's Edge Limited Partnership  
Attn: Evelyn M. Carabetta, Resident Agent  
370 Ocean Avenue  
Revere, MA 02151

**RE:           Revere Board of Health Finding of Unfitness pursuant to M.G.L. c. 111, §  
              127B and 105 CMR 410.831 (A) – (E)**

Dear Resident Agent:

Please find the City of Revere Board of Health's Finding that the Property located at 370 Ocean Avenue, Revere, MA, 02151 is **unfit for human habitation**.

Water's Edge Limited Partnership ("Water's Edge" or "Owner") is the record owner of the property located at 370 Ocean Avenue, which consists of a singular high-rise apartment building as well as a parking garage for that building ("Property"). On June 28, 2022, following a fire at the above-referenced property as well as several reports of unsafe and unhealthy conditions, representatives of the Revere Board of Health conducted a site visit and inspection of the Property. Following that inspection, the City's Building, Fire, and Health Departments conducted several follow-up inspections and provided these updates to the Board of Health through its representative. Though all occupants were asked to leave the premises by both the City and Water's Edge, upon information and belief there are still occupants who continue residing there.

The Board of Health, through its Health Agent, has determined that the Property is **unfit for human habitation** because of the following conditions which pose an immediate danger to the life and health of any and all occupants as well as the general public:

- **105 CMR 410.750 (C) (D)** – The electricity has been shut off at the Property from the fourth floor up to and including the sixteenth floor. The Owner has also failed to provide lighting and electricity in the common areas as is required by 105 CMR 410.254. These conditions serve to endanger the health and safety of any and all occupants, trespassers, first responders, contractors, or other persons within the building.
- **105 CMR 410.750 (G)** – The Property lacks adequate exits. The egress path between the eleventh and twelfth floors has been obstructed by a large tarp being used to cover the substantial structural damage to the building. That obstruction effectively cuts off the second means of egress for all units between the eleventh and sixteenth floors. *See Exhibit A – Inspection Photographs*. Further, the two emergency exits located in the garage contain locks and are unable to be opened from the garage. These conditions further hinder the egress path and could complicate or obstruct rescue by first responders in the event of an emergency. *Id.*
- **105 CMR 410.750 (H)** – The Property is not secured from unlawful entry pursuant to the requirements of 105 CMR 410.480. Many of the unit, hallway, and staircase doors do not fully close and are incapable of being fully secured. *See Exhibit A.*
- **105 CMR 410.750 (I)** – Several units, hallways, and storage areas were found littered with trash, garbage, an overaccumulation of personal items, construction materials, and debris from the deterioration of the walls and ceiling. *See Exhibit A.* These materials not only contribute to the fire load at the property but also serve to obstruct the egress path in the event of an emergency. Further, the building suffered water damage and infiltration following the outbreak of the fire. What appears to be mold has begun growing on several walls and ceilings, greatly contributing to the creation or spread of sickness or disease within the building. *See Exhibit A.*
- **105 CMR 410.750 (K)** – As stated above, portions of the roof and other structural elements of the building were badly damaged and are currently being covered by a large tarp. *See Exhibit A.* Upon inspection, the tarp appeared to be weighed down with an accumulation of water. Further, there are many portions of the walls and ceilings which have either been ripped apart or that have otherwise fallen as a result of the damage to the Property. These structural defects provide a serious danger and may expose any and all occupants, trespassers, first responders, contractors, or other persons within the building to accident or danger to health and safety.
- **105 CMR 410.750 (L) (N)** – In the pump room, which houses the apparatus needed to provide adequate water pressure to the fire suppression system, the actual pump is in a state of disrepair. *See Exhibit A.* The steel frame and support legs have begun to rot and corrode and in some places the support legs have snapped off. *Id.* When not running, the pump was observed to leak. *Id.* Further, a sprinkler head was observed to have been used as a plug-in bypass line. *Id.* The failure to correctly install and maintain these plumbing

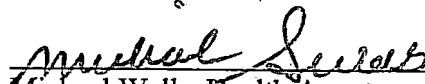
elements is a violation of the Owner's obligations to maintain all plumbing elements in conformance with accepted plumbing standards and in compliance with all applicable laws, codes, and ordinances, including 105 CMR 410.351.

Further, the condition of the pump severely impacts the capacity of the sprinkler system to operate efficiently and supply water to the rest of the building in the event of a fire. Several fire extinguishers appeared to be either missing or expired throughout the building and many of the sprinkler heads appeared to have been improperly installed. In addition, the fire alarm system panel is still in the process of being upgrading following its technical failure earlier this year. The City is still awaiting a full submission for the upgrade application. While the panel remains unfinished, the Property is further unprotected from fire leaving any and all occupants, trespassers, first responders, contractors, or other persons within the building exposed to fire, burn, accident, or danger, to health and safety.

WHEREAS, the Board of Health or its agents may effectuate the purpose of this Finding to the fullest extent allowed under the laws of the Commonwealth, including but not limited to an issuance of and enforcement of an Order to Secure and for all occupants to vacate. *See* 105 CMR 410.831 (E).

NOW THEREFORE, pursuant to M.G.L. c. 111, § 127B and 105 CMR 410.831 (D) the Board hereby determines that the danger to life and health of the occupant(s) is so immediate that no delay in issuing this Finding is warranted due to the unsanitary conditions within the dwelling, including those violations listed above. *See also* Written Determination of Emergency issued *herewith* and *attached hereto*.

Any person aggrieved by this Finding issued by the Board of Health may seek relief there from in any Court of competent jurisdiction, as provided by the laws of this Commonwealth.

  
Michael Wells, Health Agent  
Revere Board of Health

CC: Robert D. Russo, Esq.